

REMARKS

Claims 2, 5, 10, 11 and 18 are objected to due to informalities. Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claims 1, 3, 5, 7, 8, 10, 11, 13, 14 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent No. 7,363,282 (“Karnawat”) in view of United States Patent No. 6,507,841 (“Riverieulx”). Claims 2 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Karnawat in view of Riverieulx and further in view of United States Patent Application No. 2002/0107483 (“Biebesheimer”).

Claim Objections

Claims 2, 5, 10, 11 and 18 are objected to due to informalities. Appropriate amendment is hereby made to each of these claims to address the objections.

Claim Rejections Under 35 U.S.C. § 112

Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite due to the presence of the term “and/or.” This term is hereby deleted.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3, 5, 7, 8, 10, 11, 13, 14 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent No. 7,363,282 (“Karnawat”) in view of United States Patent No. 6,507,841 (“Riverieulx”). Claims 2 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Karnawat in view of Riverieulx and further in view of United States Patent Application No. 2002/0107483 (“Biebesheimer”). Applicants note, however, that Karnawat is excluded as prior art against the present application under 35 U.S.C. §103 (c). In particular, 35 U.S.C. §103(c) states that:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Karnawat qualifies as prior art to the present application under 35 U.S.C. §102(e) because Karnawat was filed on December 3, 2003 and issued on April 22, 2008, which is after the March 22, 2004 filing date of the present application. Moreover, Karnawat and the present application both were commonly assigned to Microsoft, Corp. at the time of the invention recited in the present application. The assignment of the Karnawat application to Microsoft Corp. was recorded on December 5, 2003 at reel/frame 015753/0916. The assignment of the present application to Microsoft Corp. was recorded on March 22, 2004 at reel/frame 015123/0959. The present application, previously filed with the USPTO is attached hereto, evidencing ownership of the present application by Microsoft Corp. In addition, Applicants were subject to an obligation of assignment of the present application to Microsoft Corp. at the time the present invention was made.

Accordingly, for at least the reasons set forth above, Applicants respectfully assert that claims 1-3, 5, 7, 8, 10, 11-13, 14 and 16-18 are allowable over the cited references. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

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Conclusion

In view of the above amendments and remarks, applicant respectfully submits that the present invention is in condition for allowance. Reconsideration of the application is respectfully requested.

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/Kenneth R. Eiferman/

Kenneth R. Eiferman

Registration No. 51,647

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439